



BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE
International Trade Administration
[A-583-837]

Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan; Preliminary Results of Antidumping Duty Administrative Review; 2011- 2012

AGENCY: Import Administration, International Trade Administration, Department of Commerce

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET Film) from Taiwan. The period of review (POR) is July 1, 2011, through June 30, 2012. On December 28, 2012, the Department rescinded the review with respect to Nan Ya Plastics Corporation.¹ This review covers the remaining respondent Shinkong Synthetic Fibers Corporation (SSFC) and its subsidiary Shinkong Materials Technology Co. Ltd. (SMTC) (collectively, Shinkong), producer and exporter of PET Film from Taiwan. The Department preliminarily determines that sales of subject merchandise have been made below normal value by Shinkong. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: [Insert the date of the publication of the Federal Register].

FOR FURTHER INFORMATION CONTACT: Milton Koch, AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-2584.

¹ See Polyethylene Terephthalate Film, Sheet and Strip from Taiwan: Partial Rescission of the Antidumping Duty Administrative Review, 77 FR 76456 (December 28, 2012).

SUPPLEMENTARY INFORMATION:

Scope of the Order

The products covered by the antidumping duty order are all gauges of raw, pretreated, or primed polyethylene terephthalate film, sheet, and strip, whether extruded or coextruded. Excluded are metalized films and other finished films that have had at least one of their surfaces modified by the application of a performance-enhancing resinous or inorganic layer of more than 0.00001 inches thick. Imports of polyethylene terephthalate film, sheet, and strip are currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 3920.62.00.90. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of the antidumping duty order is dispositive.

Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. To determine the appropriate comparison method, the Department applied a “differential pricing” analysis and has preliminarily determined to use the average-to-transaction method in making comparisons of export price and normal value for Shinkong.

For a full description of the methodology underlying our conclusions, see the Memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, “Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative

Review: Polyethylene Terephthalate Film, Sheet, and Strip from Taiwan” (Preliminary Decision Memorandum), dated concurrently with these results and hereby adopted by this notice.²

Preliminary Results of Review

As a result of our review, we preliminarily determine the following weighted-average dumping margin exists for the period July 1, 2011, through June 30, 2012.

Manufacturer/Exporter	Weighted-Average Margin
Shinkong Synthetic Fibers Corporation/ Shinkong Materials Technology Co. Ltd.	4.65 percent

Disclosure and Public Comment

The Department intends to disclose to interested parties the calculations performed in connection with these preliminary results within five days of its public announcement.³ Because the Department intends to conduct verification of Shinkong’s responses, the Department will establish the briefing schedule at a later time, and will notify parties of the schedule.⁴ Parties who submit case briefs or rebuttal briefs in this proceeding are requested to submit at the outset of their briefs: (1) a statement of each issue; (2) a brief summary of the arguments; and (3) a table of authorities.⁵ This summary should be limited to five pages total, including footnotes.

Interested parties who wish to request a hearing, or to participate if one is requested, must do so in writing within 30 days after the publication of this preliminary determination in the Federal Register.⁶ Requests should contain the party’s name, address, and telephone number; the

² The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

³ See 19 CFR 351.224(b).

⁴ See 19 CFR 351.309.

⁵ See 19 CFR 351.309(c)(2) and (d)(2).

⁶ See 19 CFR 351.310(c).

number of participants; and a list of the issues to be discussed. If a request for a hearing is made, the Department intends to hold the hearing at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, at a date, time and location to be determined. Parties will be notified of the date, time and location of any hearing.

We intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in any case or rebuttal brief, within 120 days of publication of these preliminary results in the Federal Register, unless otherwise extended.⁷

Assessment Rates

Upon issuing the final results of this administrative review, the Department shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. The Department intends to issue assessment instructions to CBP 15 days after the date of publication of the final results of review.

For any individually examined respondents whose weighted-average dumping margin is above de minimis, we will calculate importer-specific ad valorem duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).⁸ We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above de minimis. Where either the respondent's weighted-average dumping margin is zero or de minimis, or an importer-specific assessment rate is zero or de minimis, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

⁷ See section 751(a)(3)(A) of the Act; 19 CFR 351.213(h).

⁸ In these preliminary results, the Department applied the assessment rate calculation methodology adopted in Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification, 77 FR 8101 (February 14, 2012).

The Department clarified its “automatic assessment” regulation on May 6, 2003.⁹ This clarification will apply to entries of subject merchandise during the POR produced by Shinkong for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of PET Film from Taiwan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, as provided for by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies under review will be the rate established in the final results of this review (except, if the rate is zero or de minimis, no cash deposit will be required); (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters is 2.40 percent.¹⁰ These cash deposit requirements, when imposed, shall remain in effect until further notice.

⁹ For a full discussion of this clarification, see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

¹⁰ See Notice of Amended Final Antidumping Duty Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Polyethylene Terephthalate Film, Sheet, and Strip (PET Film) from Taiwan, 67 FR 44174 (July 1, 2002), as corrected in 67 FR 46566 (July 15, 2002).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

These preliminary results of administrative review are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Paul Piquado
Assistant Secretary
for Import Administration

Dated: August 1, 2013.

APPENDIX

List of Topics Discussed in the Preliminary Decision Memorandum

1. Scope of the Order
2. Collapsing of SSFC and SMTC
3. Comparisons to Normal Value
 - A. Determination of Comparison Method
 - B. Results of the Differential Pricing Analysis
4. Product Comparisons
5. Date of Sale
6. Export Price
7. Normal Value
 - A. Selection of Comparison Market
 - B. Arm's-Length Test
 - C. Level of Trade
 - D. Cost of Production Analysis
 - E. Calculation of Normal Value Based on Comparison Market Prices
8. Currency Conversion

[FR Doc. 2013-19352 Filed 08/08/2013 at 8:45 am; Publication Date: 08/09/2013]